

Message Text

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ACTION EB-08

INFO OCT-01 ARA-10 ISO-00 SIL-01 LAB-04 CEA-01 TRSE-00
STR-07 COME-00 NSC-05 L-03 CIAE-00 INR-10 NSAE-00
/050 W

-----010818 040006Z /66

R 302322Z JUN 78
FM AMEMBASSY SAN SALVADOR
TO SECSTATE WASHDC 8686
INFO AMEMBASSY GUATEMALA
AMEMBASSY MANAGUA
AMEMBASSY SAN JOSE
AMEMBASSY TEGUCIGALPA

C O N F I D E N T I A L SAN SALVADOR 3378

E.O. 11653 GDS
TAGS: ELAB, ETRD, ES
SUBJECT: REQUEST FOR INFORMATION ON LABOR STANDARDS

REF: (A) STATE 136706, (B) SAN SALVADOR 2541

1.
EMBASSY HAS AVAILABLE THE FOLLOWING INFORMATION ON
THE TOPICS COVERED IN REF A:

(A) THERE DO NOT APPEAR TO BE ANY PROVISIONS IN SALVADORAN
CONSTITUTION OR ELSEWHERE FOR SLAVE, INDENTURED, OR OTHER
FORCED LABOR IN EXPORT OR IMPORT SUBSTITUTING PRODUCTION.
IN SACT, ARTICLE 181 OF SALVADORAN CONSTITUTION STATES:
"LABOR IS A SONIAL FUNCTION; IT ENJOYS THE PROTECTION OF THE STATE,
AND IT IS NOT REGARDED AS AN ARTICLE OF COMMERCE." IN PRACTICE,
THERE DOES NOT APPEAR TO BE ANY FORCED LABOR.

(B) ARTILCE 182 (10) OF SALVADORAN CONSITUTION STATES:
"PERSONS UNDER FOURTEEN YEARS OF AGE, AND THOSE WHO ARE OLDER
BUT SUBJECT TO COMPULSORY EDUCATION REQUIRED BY LAW, MAY NOT
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BE EMPLOYED IN ANY TYPE OF WORK. THEIR EMPLOYMENT MAY BE AUTHOR-
IZED IF THIS IS CONSIDERED INDISPENSABLE FOR THE MAINTENANCE OF
THE WORKER OR HIS FAMILY, PROVIDED THAT THIS WILL NOT PREVENT
COMPLIANCE WITH THE MINIMUM REQUIREMENTS OF COMPULSORY EDUCATION."
THIS PROVISION SEEMS TO BE GENERALLY ENFORCED IN INDUSTRIAL AND
LARGER BEUBINESS CONCERSN, WITH EXCPETIONS TO STANDARD PERHAPS
BEING MORE EVIDENT IN THE COUNTRYSIDE.

WITH RESPECT TO MINIMUM WAGES, ARTICLE 182 (2)
OF SALVADORAN CONSTITUTION STATES: "EVERY WORKER HAS THE
RIGHT TO EARN A MINIMUM WAGE, WHICH SHALL BE FIXED PERIODICALLY.
IN FIXING THIS WAGE, ATTENTION SHALL BE GIVEN PRIMARILY TO THE
COST OF LIVING, THE TYPE OF WORK, THE VARIOUS SYSTEMS OF REMUNERATION.

AND THE VARIOUS REGIONS OF PRODUCTION. THIS WAGE MUST BE SUFFICI-
ENT TO SATISFY THE NORMAL HOME NEEDS OF A WORKER IN THEIR MATERIAL,
MORAL, AND CULTURAL ASPECTS. FOR PIECEWORK AND WORK PAID BY
THE JOB OR ON A PERCENTAGE BASIS, IT IS COMPULSORY TO ENSURE THE
MINIMUM WAGE PER DAY OF WORK."

(C) APPLICABLE PROVISIONS OF SALVADORAN CONSTITUTION
ARE: "THE NUMBER OF HOURS OF NIGHT WORK AND OVRK IN DANGEROUS OR
UNHEALTHFUL TASKS SHALL BE LESS THAN FOR DAYTIME WORK AND SHALL
BE REGULATED BY LAW" - ARTICLE 182 (6); "WORK BY PERSONS UNDER
EIGHTEEN YEARS OYSAGE AND BY WOMEN IN DANGEROUS OR UN-
HEALTHFUL WORK IS PROHIBITED" - ARTICLE 182 (10); AND "EMPLOYERS ARE
REQUIRED TO PAY COMPENSATION, TO PROVIDE MEDICAL AND PHAR-
MAUTICAL SERVICES AND OTHERS ESTABLISHED BY LAW FOR WORKERS
WHO ARE VICTIMS OF WORK ACCIDENTS OR ANY OCCUPATION DISEASE"
-ARTICLE 184. FOR AN EVALUATION OS SALVADORAN PRACTICE IN THIS
AREA BY TWO DOL OFFICERS WHO MADE TRIP TO SAN SALVADOR MAY 15-
19, 1978, SEE REF B.

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(D) THE GOES HAS ESTABLISHED THE SAN BARTOLO
"FREE TRADE ZONE" NEAR SAN SALVADOR BUT ZONE DOES NOT APPEAR
TO HAVE LEVEL OR "DE FACTO" GOVERNMENT BANS ON UNIONS, COLLECT-
IVE BARGAINING OR STRIKES; NOT DOES ZONE APPEAR TO HAVE CON-
TROLLED OR ARTIFICIALLY DEPRESSED WAGE LEVELS. THE ZONE WAS, HOW-
EVER, CONSIDERED TO BE SOMETHING OF A SAFEHAVEN FROM THE PENE-
TRATION OF TRADE UNIONS UNTIL A REPRESENTATION ELECTION (HELD
UNDER AUSPICES OF MINISTRY OF LABOR) AT EAGLE INTERNATIONAL
(AS SUBSIDIARY OF ZWICKER MILLS OF WISCONSIN) RESULTED IN THE FIRM'S
WORKERS ACQUIRING A DULY CONSTITUTED BARGAINING AGENT (SEE SAN
SALVADOR 2916).
DEVINE

NOTE BY OC/T: TELEGRAM DELAYED IN TRANSMISSION.

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LABOR, STANDARDS, LABOR LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 30 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978SANS03378
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780274-0846
Format: TEL
From: SAN SALVADOR
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978063/aaaaabwo.tel
Line Count: 108
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 2a193a83-c288-dd11-92da-001cc4696bcc
Office: ACTION EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 136706, 78 SAN SALVADOR 2541
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 12 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2241104
Secure: OPEN
Status: NATIVE
Subject: REQUEST FOR INFORMATION ON LABOR STANDARDS
TAGS: ELAB, ETRD, ES
To: STATE
Type: TE
vdkgvkey: odbc://SAS/SAS.dbo.SAS_Docs/2a193a83-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014